

Serial No.: 10/658,691

### **Remarks/Arguments**

Applicants respectfully request entry of the above Amendment After Final Rejection and favorable reconsideration of the subject application, particularly in view of the above Amendment After Final Rejection and the following remarks. Applicants respectfully urge that there is no additional fee for this amendment as the number of independent claims remains unchanged and the total number of claims has been reduced.

Claims 20, 21 and 25-31 are currently pending in the subject application. Claims 20 and 26-30 have been rejected and Claims 21, 25 and 31 have been objected to as being dependent on a rejected base claim, but have been indicated to be allowable if rewritten in independent form, including all of the limitations of the rejected base claim.

Applicants have amended Claim 20 of the subject application by incorporating all of the limitations of Claim 21. That is, Claim 21 has been rewritten in independent form, including all of the limitations of Claim 20. As a result of this amendment, Claim 21 has been canceled. Applicants have further amended the claims by canceling Claims 25, 27 and 30. Applicants have amended Claim 26 to eliminate the limitation of the operon of the claimed invention comprising a gene capable of converting the carbazole to 2-aminobiphenyl-2,3-diol as such limitation is

Serial No.: 10/658,691

essentially already set forth in the amended Claim 20. Finally, Applicants have amended Claim 31 by eliminating reference to the active *car* genes of the claimed operon so as to avoid a double inclusion of claimed elements. Applicants respectfully urge that this amendment is fully supported by the application as originally filed and that it raises no new issues which would require further search and/or consideration on the part of the U.S. Patent and Trademark Office.

Claims 20 and 26-30 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner has indicated that the claims contain subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. More particularly, the Examiner argues that the language of Claims 20 and 30 encompasses a multitude of possible organisms, including organisms neither contemplated nor disclosed by the specification as filed, and that Applicants have not provided any identification or description for any biologically pure culture apart from Applicants' own isolate, GTIN11 (ATCC No. BAA-487), based upon which the Examiner concludes that there is insufficient written description to support claims of biologically pure cultures other than the specific biologically pure culture identified by Applicants in the subject application. Applicants respectfully

Serial No.: 10/658,691

urge that this rejection is rendered moot as a result of the above amendment incorporating all of the limitations of Claim 21 (which the Examiner has indicated would be allowable if rewritten in independent form) into Claim 20.

Claims 20 and 26-30 have been rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for *a* biologically pure culture comprising an operon that encodes genes that selectively cleave both C-N bonds of carbazole (Claim 20) and *a* biologically pure culture comprising an operon that encodes genes that selectively cleave both C-N bonds of carbazole without further degradation of the carbazole (Claim 30), does not reasonably provide enablement for *any* biologically pure culture comprising an operon that encodes genes that selectively cleave both C-N bonds of carbazole or *any* biologically pure culture comprising an operon that encodes genes that selectively cleave both C-N bonds of carbazole without further degradation of the carbazole. Applicants respectfully urge that this rejection is rendered moot as a result of the above amendment incorporating all of the limitations of Claim 21 (which the Examiner has indicated would be allowable if rewritten in independent form) into Claim 20.

Claim 30 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Examiner argues that, whereas

Serial No.: 10/658,691

Claim 30 recites a biologically pure culture comprising an operon that encodes genes that selectively cleave both C-N bonds of carbazole without further degradation of the carbazole, the specification does not define the molecular structure or structures produced by cleavage of the C-N bonds of carbazole without degradation of the molecule or molecules. Although Applicants respectfully disagree with this assertion by the Examiner, Applicants respectfully urge that this rejection is rendered moot as a result of the above amendment canceling Claim 30.

Claims 20, 26-28 and 30 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kirimura et al., Biosci. Biotechnol. Biochem. 63(9):1563-1568, 1999 and by Nojiri et al., J Bacteriol 183(12):3663-3679, 2001. Applicants respectfully urge that this rejection is rendered moot as a result of the above amendment rewriting Claim 21 in independent form (which claim the Examiner has indicated would be allowable if rewritten in independent form, including all of the limitations of the rejected base claim).

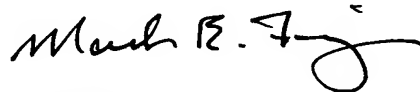
### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned.

Serial No.: 10/658,691

Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Fejer", with a stylized flourish at the end.

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